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| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 09/398,106                   | 09/16/1999  | KENICHI MARUTANI     | FUJH-16.361         | 9635             |
| 26304                        | 7590        | 04/19/2004           | EXAMINER            |                  |
| KATTEN MUCHIN ZAVIS ROSENMAN |             |                      | ABELSON, RONALD B   |                  |
| 575 MADISON AVENUE           |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10022-2585      |             |                      | PAPER NUMBER        |                  |

2666

22

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/398,106

Applicant(s)

MARUTANI, KENICHI

Examiner

Ronald Abelson

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1,2,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 21
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2666

**1. Withdrawal of Finality**

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Petch (US 6,243,372).

Regarding claims 1 and 9, Petch teaches a synchronization protecting and setting system for signals received in a radio base station (col. 8 lines 29-45).

The system comprises a first means for generating a first synchronized word detecting window, which covers a position of a synchronized word provided in a reception signal received at the radio base station (coarse window, col. 8 lines 41-45).

Art Unit: 2666

The system comprises a second means for generating a second synchronized word detecting window, which covers a position of a synchronized word within the first synchronized word detecting window (fine window, col. 8 lines 38-41).

The system comprises a means for detecting the synchronized word in the first or second synchronized word detecting window (fig. 2 box 44, col. 8 lines 33-37).

The system comprises a control means for resetting the position of the second synchronized word detecting window as related to the first synchronized word detecting window (col. 8 lines 33-37, internal counter is incremented or decremented, col. 8 lines 38-44) under a predetermined condition (falls outside, col. 8 lines 38-44).

The examiner maintains by incrementing/decrementing the internal counter, both windows are repositioned. Furthermore, there is a one-to-one correspondence between the movement of the first and second windows.

Regarding claim 2, the synchronized word detecting means detects the synchronized word in the first synchronized word detecting window (col. 8 lines 41-45), the detecting means detects the synchronized word within the second word detecting

Art Unit: 2666

window (fine window, col. 8 lines 38-41) in the next frame (timing pulse transmitted every second, col. 8 lines 29-33).

Regarding claim 11, Petch teaches a synchronization protecting and setting system for signals received in a radio base station (col. 8 lines 29-45).

The system comprises detecting a synchronized word in a first synchronized word detecting window at the frame (col. 8 lines 41-44).

The system comprises setting a position of a second synchronized word detecting window, based on the detection of the synchronized word in the first synchronized word detecting window (col. 8 lines 41-44), the second synchronized word detecting window being narrower than the first synchronized word detecting window (fine window, col. 8 lines 38-41).

The system comprises detecting the synchronized word in the second word detecting window (fine window, col. 8 lines 38-41) at a subsequent frame (timing pulse transmitted every second, col. 8 lines 29-33).

***Allowable Subject Matter***

5. Claim 10 is allowed.

Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter

Regarding claim 10, Petch teaches a first window generator (col. 8 lines 41-45), a synchronized word detector (col. 8 lines 41-45), a second window generator (col. 8 lines 38-41), however nothing in the prior art of the record teaches or fairly suggests a pulse generator for outputting a detecting pulse according to an AND condition of the first and second synchronized word detectors in view of the limitations listed above.

Regarding claims 3 and 4, nothing in the prior art of the record teaches or fairly suggests the control means resets the position of the second synchronized word detecting window based upon a bit error rate in view of the prior art teachings of Petch, in combination with all the other limitations listed in the claim.

Regarding claim 5, nothing in the prior art of the record teaches or fairly suggests the control means resets the position of the second synchronized word detecting window when an average

Art Unit: 2666

amount of phase difference in the number of frames is more than a predetermined value in view of the prior art teachings of Petch, in combination with all the other limitations listed in the claim.

Regarding claims 6, nothing in the prior art of the record teaches or fairly suggests the control means resets the position of the second synchronized word detecting window when the result of BCH decoding is mistaken in view of the prior art teachings of Petch, in combination with all the other limitations listed in the claim.

Regarding claim 7, although Petch teaches CRC coding (col. 4 line 26), nothing in the prior art of the record teaches or fairly suggests the control means resets the position of the second synchronized word detecting window when the result of CRC arithmetic for signals received is mistaken in view of the prior art teachings of Petch, in combination with all the other limitations listed in the claim.

Regarding claim 8, nothing in the prior art of the record teaches or fairly suggests the control means resets the position of the second synchronized word detecting window when a level of the signal received in the radio base station is less than a predetermined value in view of the prior art teachings of Petch,

Art Unit: 2666

in combination with all the other limitations listed in the claim.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that Baissus dos not suggest the device and method in which the second synchronized word detecting window covers the position of the synchronized word within the first synchronized word detecting window (applicant: pg. 8 lines 1-3). Therefore, an updated search was performed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RA*  
Ronald Abelson  
Examiner  
Art Unit 2666

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4/9/04

*DM*  
DANSTON  
PATENT EXAMINER